

POWELL COUNTY FISCAL COURT

SPECIAL CALLED MEETING

MARCH 27TH, 2019

4:00 p.m.

**Location: Powell County Judge Executive's Office
Room 102**

A special meeting was held on March 27th, 2019 at the Powell County Judge Executive's Office at 4:00 p.m.

Those present of the meeting were County Judge Executive James Anderson, Fiscal Court Clerk Connie Crabtree, County Attorney Robert King, City of Stanton Mayor Dale Allen, City of Stanton Attorney Scott Graham, Tommy Mays, Ernest and Betty Foster, Powell County Sheriff Danny Rogers and several residents from Boone Creek.

The special meeting was called to discuss a few items. The first item up for discussion was the Resolution Regarding the use of County Roads and Right of Ways in Connection with City of Stanton's Current Sewer Line Extension Project.

Mayor Allen approach the court for the second time and ask them to approve the Resolution granting the city to use county roads and right of ways in connection with City of Stanton's current sewer line extension project- ARC project # 18-A-031.

He told court members that he had spoken with residents on Boone Creek. 46 said yes to the project, 3 said no to the project and there were 4 empty houses.

Mayor Allen told court members and those attending the meeting that the City of Stanton is going to give a free tap which normally costs \$1,000.00 and allow \$500.00 to each homeowner to reimburse them for the construction cost to run line from tap to house. The homeowner hires the contractor of their choice. The homeowner then submits proof of payment showing that they paid the contractor then the City of Stanton will reimburse on homeowner for that amount up to \$500.00.

He said the sewer plant can do 1.4 million gallons per day and we are currently at 600,000 gallons and haven't grown much in the past six years.

Boone Creek resident Eric Williams and Charlie Rogers said most people concerns was what it was going to cost them.

Judge Anderson said he thought there were some concerns and before the court gives their permission they just want to make sure that we are doing what is right. He said he don't want them to go five months down the road and people run into incurred costs that they didn't understand and had to continue on.

Magistrate Tipton asked the Mayor to clarify that people who didn't want to hook on to the sewer wouldn't be forced to do so.

Tommy Mays told Magistrate Tipton that was correct but if they have a septic tank go down the health department won't allow them to put in a new one because they would have sewer available to them. One citizens told court that she was in favor of the resolution because she is having to pay \$100.00 to have her septic system pumped out nearly every time it rains.

Mayor Allen told those present the sewer expansion project would happen before the Hwy 213 construction project. The engineers on this project are also the engineers on road project.

The state is all aware and it's all off the right of way or along the right of way.

Magistrate Timmy Tipton told the court that he would be agreeable to the resolution if there was clarification in the minutes that a \$500.00 reimbursement to the homeowner and free tap would be provided to the homeowner.

Mayor Allen told members of the court again that the tap would be free and the homeowner would be reimbursed for the construction cost up to \$500.00 to run the line from the tap to the home.

Judge Anderson ask the Mayor what we would do in an event that they would have to dig out a section of the road. Mayor Allen told him that it could be put in the minutes that the road would be fixed back.

Judge Anderson told the court the County Attorney Robert King had drafted a resolution.

After Mayor Allen and Stanton City Attorney Scott Graham reviewed the resolution they had two issue with the resolution prepared by County Attorney Robert King. One being the escrow money account and the other was having to get permission before working on sewer related issues on Boone Creek.

Judge Anderson said several times in the past several years our roads have been cut and not put back so we have had to be the ones to go back and patch them.

City of Stanton Attorney Scott Graham said that the City of Stanton has a statutory right to extend its water or sewer lines out into the county. He said the resolution prepared by the county attorney would handcuff us so that anytime we want to do a project or extend water or sewer service out into the county we would have to come before the fiscal court ask for permission.

He told the court the resolution that he prepared say the City of Stanton will repair the roadways but the resolution that was handed to us said that we would put money to be determined with no amount in an escrow account and held there.

Judge Anderson told him that we would like some safeguards. We have to ensure to the people of the county we are trying to look out for them and not turning them over to a situation where you can do whatever you want to them.

After a lengthy discussion Judge Anderson made the motion to approve the resolution prepared by the fiscal court it was then seconded by Magistrate Gabbard. After voting Magistrate Gabbard said she thought she was voting for the resolution prepared by the City of Stanton. After clarification of the correct Resolution being voted on Judge Anderson ask the Clerk to call roll for Magistrates in agreeance for the resolution prepared by the Fiscal Court.

Magistrate Combs – Nay

Magistrate Gabbard – Nay

Magistrate Lockard – Nay

Magistrate Patton – Nay

Magistrate Tipton – Nay

Judge Anderson – Aye

Motion dies

5 – Nays

1 –Aye

More discussion continued about the project.

Discussion of the City of Stanton fixing roads back within 30 days weather permitting.

Tap will be free up to 1 year with a \$500.00 credit for construction cost. Homeowner will turn proof of payment they made to the contractor of their choice then the City of Stanton will reimburse the homeowner for that amount up to \$500.00.

A motion was made by Magistrate Lockard seconded by Magistrate Gabbard to approve the Resolution prepared by The City of Stanton # 19-03-27. A Resolution Regarding the Use of County Roads and Right of Ways in Connection with the City of Stanton's current Sewer Line Extension Project.

This Resolution is dated for the 27th day of March, 2019.

Motion passes

Judge Anderson ask the Clerk to call roll for those in agreeance to this Resolution.

Magistrate Combs – Aye

Magistrate Gabbard – Aye

Magistrate Lockard – Aye

Magistrate Patton – Aye

Magistrate Tipton – Aye

Judge Anderson - Aye

Members of the court were submitted bills for payment.

There were no objections in paying all the bills submitted for payment. Therefore all will be paid.

Members of the court were submitted the 2019/2020 proposed Jail budget.

They were submitted 2 different proposals for them to review. (the copies will follow minutes)

Road Department project.

Drainage issue with CSEPP Building where the salt is loaded out into the salt bin. Basically coming from the front of that building plans are to put in a drain to catch the run off. The salt is getting on the ground which is bad and this will also give us a safe place to wash out the salt trucks.

Judge Anderson presented a quote for 100 yards of concrete. The cost of the concrete will be around \$120.00 or \$125.00 per yard. The cost of the concrete will be around \$12,000.00 and the labor cost will be around \$5600.00

A motion was made by Magistrate Lockard seconded by Magistrate Combs to move forward with these project.

Motion passes

Magistrate Combs – Aye

Magistrate Gabbard – Aye

Magistrate Lockard – Aye

Magistrate Patton – Aye

Magistrate Tipton – Aye

Judge Anderson - Aye

With no further discussion a motion was made by Magistrate Lockard seconded by Magistrate Combs to adjourn.

Motion passes

Magistrate Combs – Aye

Magistrate Gabbard – Aye

Magistrate Lockard – Aye

Magistrate Patton – Aye

Magistrate Tipton – Aye

Judge Anderson – Aye

James Anderson

Dennis Combs

Donna Gabbard

Mike Lockard

Chad Patton

Timmy Tipton